

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

November 27, 2001

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by the Reverend Jeff Chitwood, South Side Christian Church, Springfield, Illinois. Reverend Chitwood.

THE REVEREND JEFF CHITWOOD:

(Prayer by the Reverend Jeff Chitwood)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Wednesday, November 14th, and Tuesday -- ...November 15th, 2001.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Myers moves to approve the Journals just read. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Licensed Activities, reports House Bills 2535 and 2565 Do Pass.

Senator O'Malley, Chair of the Committee on Financial Institutions, reports House Bill 1903 Do Pass, as Amended.

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Senator Parker, Chair of the Committee on Transportation reports House Bill 61 Do Pass; and Senate Bill 113, the Motion to Concur with House Amendments 1 and 5 Be Approved For Consideration.

And Senator Klemm, Chair of the Committee on Executive, reports House Bill 3162 Do Pass; House Bills 2077, 3017 and 3098 Do Pass, as Amended; and Senate Amendment 1 to Senate Bill 1261 Be Adopted.

PRESIDENT PHILIP:

Illinois Information Service has requested leave to film the proceedings. Is leave granted? Leave is granted. Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 445.

We have like Messages on House Bills 1356, 2412, 2528 and 3172.

All passed the House -- or, adopted by the House, November 13th, 2001, by a three-fifths vote.

We have a like Message on House Bill 279 and another on House Bill 549.

Those adopted by the House, November 14th, 2001.

And like Messages on House Bills 1101 {sic} (1011) and 1696. Both adopted by the House, November 15th, 2001.

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following

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title, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 198.

Passed the House, November 14th, 2001, by a three-fifths vote.

We have a like Message on House Bill 3078.

Passed the House November 15th, 2001, by a three-fifths vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker, for what purpose do you rise?

SENATOR PARKER:

Thank you, Madam President. For purposes of announcement.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your announcement.

SENATOR PARKER:

I just wanted to announce that Senator Sullivan is not here today because of a death in the family.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record will so reflect. Senator Myers, for what purpose do you rise?

SENATOR MYERS:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR MYERS:

I'd like to introduce to the Body my Page, Whiteney Pate. With her are her parents, Troy and Penny, and her sister Briteney. They're all from Georgetown, Illinois, in my district.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Thank you, Madam President. Senator Luechtefeld is not with

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us today because I think his father had suffered a heart attack and he's at -- in his district at his father's side. So would -- would -- he did not have a heart attack, but he -- oh, he had an accident. So therefore, he is with him. So therefore, that's why he's excused from the proceedings. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record will reflect that. ...Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Following Members have filed motions with respect to bills: Senator Woolard, on House Bill 198; Senator Trotter, House Bill 279; Senator Mahar, House Bill 445; Senator Cullerton, House Bill 549; Senator Shadid, House Bill 1011; Senator Myers, on House Bill 1356; and Senator Weaver, on House Bill 2412.

PRESIDING OFFICER: (SENATOR KARPIEL)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures assigned: Be Approved For Consideration - Senate Bill 1233, House Bill 2665, House Bill 2296 and Conference Committee Report 1 to House Bill 1840; referred to the Committee on Judiciary - Senate Amendment 1 to House {sic} (Senate) Bill 1233, Amendment 1 to House Bill 2296 and Amendment 3 to House Bill 2299; and referred to the Committee on Education - Senate Amendments 1 and 2 to Senate Joint Resolution 42.

PRESIDING OFFICER: (SENATOR KARPIEL)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1534, offered by Senators Demuzio and Shadid.

(Secretary reads title of bill)

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House -- or, Senate Bill 1535, by Senator Viverito.

(Secretary reads title of bill)

House Bill -- or, Senate Bill 1536, by Senator Watson.

(Secretary reads title of bill)

And Senate Bill 1537, by Senator Tom Walsh.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Thank you, Madam President. For purposes of an announcement.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your announcement.

SENATOR HAWKINSON:

There will be a meeting of the Senate Judiciary Committee at 3 o'clock, in Room 400. That's 3 o'clock, in Room 400, the Senate Judiciary Committee.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Tom Walsh, for what purpose do you rise?

SENATOR T. WALSH:

Thank you, Madam President. With leave of the Body, I move, pursuant to Senate Rule 5-1, to change the sponsorship of House Bill 2665 from Senator Robert Madigan to Senator Tom Walsh.

PRESIDING OFFICER: (SENATOR KARPIEL)

You've heard the motion. All those in favor, say Aye. Opposed, Nay. Ayes have it. Resolutions.

SECRETARY HARRY:

Senate Resolutions 256 through 259, all offered by Senator Clayborne and all Members.

Senate Resolutions 260 through 263, by Senator Lauzen and all Members.

And Senate Resolution 264, by Senator Cullerton.

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They're all death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Consent Calendar.

SECRETARY HARRY:

And Senate Resolution 265, offered by Senators Dudycz and Munoz.

It's substantive.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Madam President. If I can have everybody's attention for just a moment, please. Since we left, a lot of people have -- and we returned, lot of people have asked -- have been asking what happened to Ralph Dyer, our Doorman that used to be in the back of our Chamber here. Ralph had an asthma attack and he passed away, I guess, the day or two after we had left here. So we have a death resolution that -- that's being drafted in the Reference Bureau. But I wanted everyone to know that Ralph has -- has passed away, and we'll pay our respects to him at the appropriate time. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Thank you, Senator. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR HENDON:

If I could have the Members' attention. I'll be very brief, but this is very important. Thank you very much. It is my understanding -- Members of the Senate, if I could have your attention for just one second. It is my understanding that we

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will be dealing very soon with an antiterrorism bill or some package from the Attorney General and others. And I wanted to just briefly take this personal -- point of personal privilege to point out to the Body that in my district this week, there have been twelve shootings in one week. There have been several people killed. We have our own terrorist situation going on, within Illinois, with citizens of this great State, and I hope, as this legislation moves through this august Body, that we will be friendly and kind to some amendments that want to deal with some of the local violence that we're dealing with every day here in Illinois. Now this by no means belittles, in any way, what happened September 11th, in New York, at the World Trade Center. But we have to be clear about the fact that in my district, the director of the choir was murdered -- children -- her children. This is a reality. Another innocent woman was gunned down in my district. I've done so many death resolutions, my friends, till I'm -- I'm not even doing 'em anymore. They -- they seem common. They seem far too usual, normal. There will be just a few amendments that I hope you will be receptive to that tries to reduce the terrorism and the violence within Illinois. Scared straight, decoy vehicle: Those amendments, those bills, have not found any support in this Chamber as of this point, but I hope the Attorney General and all of those who want to fight terrorism abroad and the threat from within will realize that America is hemorrhaging from within. We're drowning in our own blood on the west side. It's part of the State of Illinois, and I hope you'll be receptive when I attempt to attach these few amendments to help stop the killing locally here, as well as the -- any violence that might come upon this great country from afar.

PRESIDING OFFICER: (SENATOR KARPIEL)

Thank you, Senator Hendon. I believe on your desks you have Supplemental Calendar No. 1 - I believe, has been distributed. It

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is House Bills on 2nd Reading. So on the Supplemental Calendar No. 1, House Bills 2nd Reading, is House Bill 61. Senator Dillard. Read the bill, Mr. -- Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 61.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Permission to videotape has been requested by ABC-Channel 7, Chicago. Permission is granted. House Bill 1903. Senator Dillard. House Bill 2077. Senator Philip. House Bill 2535. With leave of the Body, we'll skip that one, for now. House Bill 2565. Senator Sullivan. House Bill 3017. Senator Sullivan. House Bill 3098. Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3098.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported. Pardon me, I'm sorry. The Committee on Executive adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR KARPIEL)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 3162. Senator O'Malley. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Madam President, while we're in a lull here, I'd like to --

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the record to reflect that Senator Jones, Emil Jones, is absent today due to the illness of his wife.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record shall so reflect. There's been a request to -- for permission to video by WCIA. Is permission granted? Permission's granted. Senator Watson, for what purpose do you rise? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. Pursuant to Rule 5.1 {sic} (5-1), I'd like to have my name added as a hyphenated cosponsor to House Bill 3017.

PRESIDING OFFICER: (SENATOR KARPIEL)

You've heard the motion. Is -- all those in favor, say Aye. Opposed, Nay. Ayes have it. We -- we will go back to the Order of Supplemental Calendar No. 1 and we will start at House Bill 1903. Senator Dillard. Read the bill. ...the bill, Madam Secretary. House Bill 1903.

ACTING SECRETARY HAWKER:

House Bill 1903.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Financial Institutions adopted four Floor -- four Floor -- four committee amendments.

PRESIDING OFFICER: (SENATOR KARPIEL)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 2077. Senator Philip. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2077.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR KARPIEL)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 2565. House Bill 3017. Senator Watson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

...Bill 3017.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR KARPIEL)

Have there been any Floor -- Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 3162. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3162.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. All right. We are now going to Supplemental Calendar No. 2. I believe they've been distributed. They're on

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your desks. Supplemental Calendar No. 2, Conference Committee Reports. And on this order, we have -- or, Madam Secretary, do you have a file -- a conference committee report on House Bill 1840.

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 1840.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. I -- I would like to...

PRESIDING OFFICER: (SENATOR KARPIEL)

Everyone, we are on Conference Committee Reports. We will be taking a roll call vote on this. So it would be a very good idea if we could keep the conversations down to a minimum. We won't be in very much longer, so let's pay attention, please. Senator Petka.

SENATOR PETKA:

Thank you, Madam President. After reviewing the First Conference Committee Report, I would like to add language to this Conference Committee Report, and that I would ask at this time that a roll call not be taken and that this Conference Committee Report be dumped.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka, it does require a roll call, I'm informed. If you -- so the roll call that you're hoping for is a negative vote, so we can dump this conference committee and go to Conference Committee No. 2, I believe? All right. The question is -- do you all understand? Senator Petka would like a No vote on this Conference Committee Report so that he can come back with Conference Committee Report No. 2. And so the question is, shall the Senate adopt the Conference Committee Report on House Bill 1840. Those in favor, vote Aye. Opposed, vote Nay. The voting

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is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 2 voting Aye, 51 voting Nay, none voting Present. And the Senate does not adopt the Conference Committee Report on House Bill 1840, and the bill, having received -- not received the required constitutional majority, is declared failed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Earlier we had leave to return to Supplemental Calendar No. 1. Senator Karpel. ...back with Senator Karpel on House Bill 2535. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2535.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Cronin, for what purpose do you seek recognition?

SENATOR CRONIN:

Thank you. For purposes of an announcement. The Senate Education Committee shall meet tomorrow morning, 9 a.m., in Room 212, to consider the resolution on mandate waivers.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further business? Any -- Mr. -- Madam Secretary, have there been any motions filed?

ACTING SECRETARY HAWKER:

Yes. I have a motion to accept specific recommendations, filed by Senator -- pardon me, filed by Senator Donahue, and also one by -- pardon me, and that was for House Bill 1696. And I have a like Message on House Bill 3172, filed by Senator Karpel.

PRESIDING OFFICER: (SENATOR DONAHUE)

Madam Secretary, the Chair requests that these motions be

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printed on the Calendar. House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 2691, offered by Senator Radogno.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further business to come before the Senate? Any further business? ...me, if I could have the Body's attention for just a minute, please. We have a special guest, and I'm going to yield the Chair to Senator Judy Myers.

SENATOR MYERS:

...very pleased to introduce to you, the Body, my fellow Senators, the Illinois Mother of the Year. She's from my district, near Potomac. With her today are her husband, Colonel John M. Smiley, and her son, Jonathan Smiley, actually from East Lynn, but the Potomac area in my district. She is an author and her focus in life is to "live life intentionally". She says -- Kendra says, that life is a wonderful smorgasbord of choices and everyone is responsible for and empowered by the choices they make. So I'm very pleased today to present Illinois' Mother of the Year.

2001 ILLINOIS MOTHER OF THE YEAR KENDRA SMILEY:

(Remarks by Mother of the Year Kendra Smiley)

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any further business to come before the Senate? If not, Senator -- Shadid moves the Senate stand adjourned until the hour of 10 a.m., Wednesday, November 28th, 2001.